

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF NORTH CAROLINA

MICHAEL CROWELL,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 1:17-cv-515-WO-JEP
)	
STATE OF NORTH CAROLINA; ROY)	
COOPER, Governor of North Carolina,)	
<i>in his official capacity only;</i>)	
BIPARTISAN STATE BOARD OF)	
ELECTIONS AND ETHICS)	
ENFORCEMENT; CHAIR,)	
BIPARTISAN STATE BOARD OF)	
ELECTIONS AND ETHICS)	
ENFORCEMENT, <i>in official capacity</i>)	
<i>only;</i> MEMBERS, BIPARTISAN STATE)	
BOARD OF ELECTIONS AND ETHICS)	
ENFORCEMENT, <i>in their official</i>)	
<i>capacity only;</i>)	
)	
<i>Defendants.</i>)	

**STIPULATION OF DISMISSAL OF DEFENDANTS
STATE OF NORTH CAROLINA AND BIPARTISAN STATE
BOARD OF ELECTIONS AND ETHICS ENFORCEMENT**

Pursuant to Rule 41(a)(1)(A)(ii), Federal Rules of Civil Procedure, plaintiff voluntarily dismisses as defendants in this action the State of North Carolina and the Bipartisan State Board of Elections and Ethics Enforcement.

The remaining defendants are Governor Roy Cooper and the chair and members of the Bipartisan State Board of Elections and Ethics Enforcement, all of whom are sued in their official capacity only. All defendants and defendant-intervenors President Pro Tem Phillip E. Berger and Speaker Timothy K. Moore join in this stipulation.¹

RESPECTFULLY SUBMITTED, this 14th day of November 2017.

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¹ The Fourth Circuit has not definitively answered whether the dismissal of individual defendants in a multiple-defendant case should be by Rule 41 or through an amended complaint under Rule 15, but “most of the circuits that have addressed the issue have determined that the standards of Rule 41 control.” *Fagnant v. K-Mart Corporation*, 2013 WL 6901907, at 2 (U.S.D.C., D.S.C., Dec. 31, 2013)(quoting 9 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2362 (3d ed. 2008)). The use of Rule 41 is particularly appropriate when all the parties stipulate to the dismissal.

Signatures provided with the parties' permission:

/s/ D. Martin Warf

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Enforcement*

UNITED STATES DISTRICT COURT
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MICHAEL CROWELL,)
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Plaintiff,)
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v.) Case No. 1:17-cv-515-WO-JEP
)
STATE OF NORTH CAROLINA, *et al,*)
)
Defendants)

CERTIFICATE OF SERVICE

I certify that on November 14, 2017, I electronically filed this Stipulation of Dismissal of Defendants State of North Carolina and Bipartisan State Board of Elections and Ethics Enforcement with the Clerk of Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to the following:

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This 14th day of November 2017.

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